



General Assembly

January Session, 2003

Raised Bill No. 935

LCO No. 3147

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

***AN ACT CONCERNING STANDARDS FOR PROFESSIONALS WITH
RESPONSIBILITY FOR CHILDREN.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) The Commissioner of
2 Children and Families shall (1) require each applicant for a position
3 with the department to state in writing whether such person has ever
4 been convicted of a crime or whether criminal charges are pending
5 against such person at the time such person submits an application,
6 and (2) require each applicant to submit to state and national criminal
7 history records checks, in accordance with section 29-17a of the general
8 statutes. The commissioner shall also check the state child abuse
9 registry established pursuant to section 17a-101k of the general statutes
10 for the name of such applicant for perpetrator information.

11 Sec. 2. Section 17a-114 of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective October 1, 2003*):

13 (a) (1) No child in the custody of the Commissioner of Children and
14 Families shall be placed with any person, unless such person is
15 licensed by the department for that purpose. Any person licensed by

16 the department to accept placement of a child is deemed to be licensed
17 to accept placement as a foster family or prospective adoptive family.
18 The commissioner shall adopt regulations, in accordance with the
19 provisions of chapter 54, to establish the licensing procedures and
20 standards.

21 (2) The commissioner shall require each applicant for licensure
22 pursuant to this section and any person sixteen years of age or older
23 living in the household of such applicant to submit to state and
24 national criminal history records checks prior to issuing a license to
25 such applicant to accept placement of a child. Such criminal history
26 records checks shall be conducted in accordance with section 29-17a.
27 The commissioner shall also check the state child abuse registry
28 established pursuant to section 17a-101k for the name of such
29 applicant and for the name of any person sixteen years of age or older
30 living in the household of such applicant for perpetrator information.

31 (b) Notwithstanding the requirements of subsection (a) of this
32 section, the commissioner may place a child with a relative who is not
33 licensed for a period of up to ninety days when such placement is in
34 the best interests of the child, provided a satisfactory home visit is
35 conducted, a basic assessment of the family is completed and such
36 relative attests that such relative and any adult living within the
37 household have not been convicted of a crime or arrested for a felony
38 against a person, for injury or risk of injury to or impairing the morals
39 of a child, or for the possession, use or sale of a controlled substance.
40 Any such relative who accepts placement of a child in excess of such
41 ninety-day period shall be subject to licensure by the commissioner,
42 except that any such relative who, prior to July 1, 2001, had been
43 certified by the commissioner to provide care for a related child may
44 continue to maintain such certification if such relative continues to
45 meet the regulatory requirements and the child remains in such
46 relative's care. The commissioner may grant a waiver, for a child
47 placed with a relative, on a case-by-case basis, from such procedure or
48 standard, except any safety standard, based on the home of the relative

49 and the needs and best interests of such child. The reason for any
50 waiver granted shall be documented. The commissioner shall adopt
51 regulations, in accordance with the provisions of chapter 54, to
52 establish certification procedures and standards for a caretaker who is
53 a relative of such child.

54 [(c) The Commissioner of Children and Families, when conducting
55 any criminal history records check, shall arrange for the fingerprinting
56 or for the conducting of any other method of positive identification
57 required by the State Police Bureau of Identification or the Federal
58 Bureau of Identification. The fingerprints and other positive
59 identifying information shall be forwarded to the State Police Bureau
60 of Identification, which shall conduct a state criminal history records
61 check and submit the fingerprints or other identifying information to
62 the Federal Bureau of Investigation for a national criminal history
63 records check. The commissioner shall also check the state child abuse
64 registry established pursuant to section 17a-101k for the name of such
65 applicant or licensee.]

66 Sec. 3. Section 17a-151 of the general statutes is repealed and the
67 following is substituted in lieu thereof (*Effective October 1, 2003*):

68 (a) The Commissioner of Children and Families shall investigate the
69 conditions stated in each application made under the provisions of
70 [section] sections 17a-145 and 17a-149 and shall require any person
71 identified on the application under said [section] sections to submit to
72 state and national criminal history records checks. The commissioner
73 shall investigate the conditions in each application under the
74 provisions of [section] sections 17a-145 and 17a-149 and, if the
75 commissioner finds such conditions suitable for the proper care of
76 children, or for the placing out of children, under such standards for
77 the promotion of the health, safety, morality and well-being of such
78 children as the commissioner prescribes, shall issue such license as is
79 required as promptly as possible, without expense to the licensee. If,
80 after such investigation, the commissioner finds that the applicant,

81 notwithstanding good faith efforts, is not able to fully comply with all
82 the requirements the commissioner prescribes, but compliance can be
83 achieved with minimal efforts, the commissioner may issue a
84 provisional license for a period not to exceed sixty days. The
85 provisional license may be renewed for additional sixty-day periods,
86 but in no event shall the total of such periods be for longer than one
87 year. Before issuing any license, the commissioner shall give to the
88 selectmen of the town wherein such licensee proposes to carry on the
89 licensed activity ten days' notice in writing that the issuance of such
90 license is proposed, but such notice shall not be required in case of
91 intention to issue such license to any corporation incorporated for the
92 purpose of caring for or placing such children. Each license so issued
93 shall specify whether it is granted for child-caring or child-placing
94 purposes, shall state the number of children who may be cared for,
95 shall be in force twenty-four months from date of issue, and shall be
96 renewed for the ensuing twenty-four months, if conditions continue to
97 be satisfactory to the commissioner. The commissioner shall also
98 provide such periodical inspections and review as shall safeguard the
99 well-being, health and morality of all children cared for or placed
100 under a license issued by the commissioner under this section and
101 shall visit and consult with each such child and with the licensee as
102 often as the commissioner deems necessary but at intervals of not more
103 than ninety days. Each licensee under the provisions of this section
104 shall file annually with the commissioner a report containing such
105 information concerning its functions, services and operation, including
106 financial data, as the commissioner requires. Any license issued under
107 this section may be revoked, suspended or limited by the
108 commissioner for cause, after notice given to the person or entity
109 concerned and after opportunity for a hearing thereon. Any party
110 whose application is denied or whose license is revoked, suspended or
111 limited by the commissioner may appeal from such adverse decision in
112 accordance with the provisions of section 4-183. Appeals under this
113 section shall be privileged in respect to the order of trial assignment.

114 (b) The criminal history records checks required pursuant to

115 subsection (a) of this section shall be conducted in accordance with
116 section 29-17a.

117 (c) The commissioner shall adopt regulations, in accordance with
118 chapter 54, to establish a staggered schedule for the renewal of licenses
119 issued pursuant to sections 17a-145 and 17a-149.

120 Sec. 4. Subsection (a) of section 17b-749k of the general statutes is
121 repealed and the following is substituted in lieu thereof (*Effective*
122 *October 1, 2003*):

123 (a) The Commissioner of Social Services shall, within available
124 appropriations, require any person, other than a relative, providing
125 child care services to a child in the child's home who receives a child
126 care subsidy from the Department of Social Services to submit to state
127 and national criminal history records checks. The criminal history
128 records checks required pursuant to this subsection shall be conducted
129 in accordance with section 29-17a. The commissioner shall also request
130 a check of the state child abuse registry established pursuant to section
131 17a-101k for perpetrator information.

132 Sec. 5. Section 19a-77a of the general statutes is repealed and the
133 following is substituted in lieu thereof (*Effective October 1, 2003*):

134 (a) Any retail establishment in this state may establish a drop-in
135 supplementary child-care operation on the premises of such retail
136 establishment in accordance with the following requirements:

137 (1) The hours of operation may only be between six o'clock a.m. and
138 nine o'clock p.m.

139 (2) No child receiving care shall be less than three years nor more
140 than ten years of age.

141 (3) A child may not receive more than two hours of care per day.

142 (4) The operation may immediately notify appropriate law

143 enforcement or state agencies if any child receiving care at such
144 operation is not picked up by a parent or guardian after three hours.

145 (5) A parent or guardian shall be on the premises at the retail
146 establishment at all times while the child is receiving care.

147 (6) The retail establishment shall provide a clean and safe area for
148 the drop-in supplementary child-care operation.

149 (7) At all times the operation shall provide (A) at least one child-care
150 staff person for every ten children, and (B) at least one child-care staff
151 person who is twenty years of age or older who has experience in child
152 care.

153 (8) The operation shall submit the names of all child-care staff to the
154 Commissioner of Public Health, who shall request a check of such
155 names from the state child abuse registry established pursuant to
156 section 17a-101k for perpetrator information.

157 (b) Any retail establishment that establishes a drop-in
158 supplementary child-care operation under subsection (a) of this section
159 shall provide the Commissioner of Public Health with written notice of
160 the establishment of such operation. The commissioner may monitor
161 and inspect any such operation and shall investigate any complaint
162 received by the commissioner concerning any such operation.

163 Sec. 6. Subsection (c) of section 19a-80 of the general statutes is
164 repealed and the following is substituted in lieu thereof (*Effective*
165 *October 1, 2003*):

166 (c) The Commissioner of Public Health, within available
167 appropriations, shall require each prospective employee of a child day
168 care center or group day care home in a position requiring the
169 provision of care to a child to submit to state and national criminal
170 history records checks. The criminal history records checks required
171 pursuant to this subsection shall be conducted in accordance with
172 section 29-17a. The commissioner shall also request a check of the state

173 child abuse registry established pursuant to section 17a-101k for
 174 perpetrator information. Pursuant to the interagency agreement
 175 provided for in section 10-16s, the Department of Social Services may
 176 agree to transfer funds appropriated for criminal history records
 177 checks to the Department of Public Health. The commissioner shall
 178 notify each licensee of the provisions of this subsection.

179 Sec. 7. Subsection (b) of section 19a-87b of the general statutes is
 180 repealed and the following is substituted in lieu thereof (*Effective*
 181 *October 1, 2003*):

182 (b) The Commissioner of Public Health, within available
 183 appropriations, shall require each initial applicant or prospective
 184 employee of a family day care home in a position requiring the
 185 provision of care to a child to submit to state and national criminal
 186 history records checks. The criminal history records checks required
 187 pursuant to this subsection shall be conducted in accordance with
 188 section 29-17a. The commissioner shall also request a check of the state
 189 child abuse registry established pursuant to section 17a-101k for
 190 perpetrator information. The commissioner shall notify each licensee
 191 of the provisions of this subsection.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>

Statement of Purpose:

To clarify statutory authority for Department of Children and Families criminal history records checks.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]